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FITZPATRICK CELLA HARPER & SCINTO  
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APR 17 2002

OFFICE OF PETITIONS

In re Application of  
Hiroshi Hashimoto et al  
Application No. 09/123,367  
Filed: July 28, 1998  
Attorney Docket No. 3500.010586-2

ADM  
03/02/02 10:36 v  
140  
DECISION GRANTING PETITION  
UNDER 37 CFR 1.182

This is a decision on the petition under 37 CFR 1.182, filed March 22, 2002, requesting entry of an amendment to the specification to insert a reference to an earlier-filed application pursuant to the provisions of 35 USC 120.

The petition is granted.

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The file record discloses that a request for a continued prosecution application (CPA) was filed on February 14, 2001. Pursuant to the provisions of 37 CFR 53(d)(1)(v), a request for a CPA is a request to expressly abandon the prior application as of the filing date of the request. A request for a CPA is the specific reference required by 35 USC 120 to every application assigned the application number; however, the prior application failed to make a specific reference to prior-filed divisional Application No. 08/420,802, filed April 12, 1995, prior to the abandonment thereof. Petitioner now requests that the prior abandoned application be amended by inserting a reference to the earlier-filed application.

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35 USC 120 permits entry of a subsequent amendment to an abandoned application in applications filed prior to November 29, 2000 to include the benefit of an earlier filing date for purposes other than prosecution. See Sampson v. Commissioner of Patents and Trademarks, 195 USPQ 136 (DC DC 1976).

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Application No. 09/123,367

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In view thereof, the request for entry of an amendment to insert a reference to earlier-filed Application No. 08/420,802, filed April 12, 1995, is granted.

The amendment has been entered. A corrected filing receipt which includes the reference to prior-filed divisional Application No. 08/420,802, filed April 12, 1995, accompanies this decision on petition.

Any questions concerning this decision may be directed to Frances Hicks at (703) 305-8680.

This application is being returned to Publishing Division for processing into a patent.



Brian Hearn  
Senior Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

ATTACHMENT: Corrected Filing Receipt

**FITZPATRICK, CELLA, HARPER & SCINTO**

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**FACSIMILE COVER SHEET**TO: JOHN J. GILLON, JR., PETITIONS, USPTOFROM: DENNIS A. DUCHENERE: US APP. NO. 09/080, 861FAX NO.: (703) 308-6916

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**MESSAGE**

ENCLOSED IS THE REQUESTED "AUTHORIZATION  
TO CHARGE DEPOSIT ACCOUNT".

ALSO PROVIDED IS A COPY OF A DECISION ON  
A SIMILAR PETITION THAT WAS FILED BY OUR OFFICE.

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01272.006808.2

PATENT APPLICATION

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
: Examiner: K. Kianni  
HIROSHI ENDO et al. )  
: Group Art Unit: 2624  
Application No.: 09/080,861 )  
:   
Filed: May 18, 1998 )  
:   
For: IMAGE FORMING SYSTEM ) January 17, 2003

Commissioner for Patents  
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Attention: John J. Gillon, Jr.  
PETITIONS BRANCH

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AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT

Sir:

In support of Applicants' Request For Entry Of Claim To Priority And Conditional Petition Under 37 C.F.R. § 1.182, filed April 23, 2002, Applicants hereby authorize the Commissioner to charge the petition fee of \$130.00 required under 37 C.F.R. § 1.182 and set forth at 37 C.F.R. § 1.17(h) to Deposit Account No. 06-1205. The aforementioned petition fee is authorized in order to amend the specification of the now technically-abandoned (pre-CPA) application to include a cross reference to the prior-filed parent applications from which the present application claims the benefit of priority.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

  
Attorney for Applicants

Registration No. 40,595

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